

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

Clerk's Minutes

Before the Honorable Chief Judge William P. Johnson

Case No.: CR 16-2724 WJ

Date: March 16, 2021

Parties: USA v. John B. Henry

Courtroom Clerk: R. Garcia

Court Reporter: M. Loughran

Interpreter: N/A

Type of Proceeding: Hearing on Probation's Amended Petition for Modification of Conditions of Supervision.

Place of Court: Albuquerque - Zoom

Total time in Court: 24 minutes

Evidentiary Hearing: No

Attorneys Present for Plaintiff(s):

Jennifer M. Rozzoni

Attorneys Present for Defendant(s):

Wayne Baker

Proceedings:

10:12 Court in session; counsel enter appearances; POs Danielle Padilla and Christopher Fiedler present; Mr. Baker waives his client's presence for this hearing.

The Court takes-up Probation's Amended Petition for Modification of Conditions of Supervision; notes the Court has been advised that counsel have resolved all issues with the exception of one.

Ms. Rozzoni notes Amended Petition filed by Probation; one unresolved condition for the Court to take up re visitation to parks.

The Court asks Mr. Baker to clarify his understanding of the term parks.

Mr. Baker argues parks is an overbroad term/restriction that may refer to more than playgrounds, etc as noted in the language of the condition.

Ms. Rozzoni responds clarifies Government definition of parks and gives example of parks that may not be playgrounds, but where children may gather.

The Court refers to Defendant's PSR in regard to prior conviction of sexual abuse of a child and notes

concerns re the sentence imposed, as well as concerns re the sentence imposed on Defendant for the instant conviction.

Ms. Rozzoni responds to the Court concerns in prosecuting the instant case.

The Court cites to transcript of prior hearing in this matter and grounds for Defendant being a danger to community; notes contested condition is pretty standard for matters like this; reluctant to modify this condition from standard language without Defendant showing progress in treatment of his issues; overrules objection.

Mr. Baker clarifies instances cited from the PSR by the Court.

Ms. Rozzoni replies re justification for condition.

The Court advises the Defendant is free to seek modification of conditions upon progress in treatment; troubling criminal history prompts Court to find condition(s) to be appropriate.

Mr. Baker notes his client has moved out of halfway house to his own apartment.

The Court notes the positive development in Defendant moving out of halfway house; Court will overrules Defendant's objection and will not modify language re parks; if Defendant does well with treatment Mr.

Baker is free to seek modification of his client's conditions.

10:36 Court in recess.

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WITNESS/EXHIBIT LIST

		CV/CR
Plaintiff's Attorney:	Defendant's Attorney:	United States District Court District of New Mexico
		Trial Date(s):
Presiding Judge: William P. Johnson	Court Reporter: M. Loughran	Courtroom Deputy: R. Garcia

[illegible]

Exh. No.	Witness	Date Off.	Obj.	Adm.	Description of Exhibits*

RETURN OF EXHIBITS

GOVERNMENT EXHIBITS RECEIVED BY: _____

Attorney(s) for the Government

DEFENSE EXHIBITS RECEIVED BY: _____

Attorney(s) for the Defense